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TO: Commissioner for Patents
Attn: Examiner Harris; Group Art Unit 1642
United States Patent and Trademark Office

FAX NUMBER: (703) 872-9306

FROM: Cheryl L. Becker, Senior Counsel
Patent and Trademark Department
D-0377, AP6A-1
Telephone: (847) 935-1729

MESSAGE:

Applicants: T.L. Colpitts, et al.
Serial No.: 09/549,342
Filed: April 13, 2000
Title: REAGENTS AND METHODS USEFUL FOR DETECTING DISEASES OF THE
REPRODUCTIVE TISSUES
Case No.: 5972.US.P6

Enclosed please find the following:

**Request for Reconsideration Concerning Document Entitled Determination of
Patent Term Extension Under 35 USC 154(b) (1 Page)**

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: T.L. Colpitts, *et al.*

Serial No.: 09/549,342

Filed: April 13, 2000

For: REAGENTS AND METHODS
USEFUL FOR DETECTING DISEASES OF
THE REPRODUCTIVE TISSUES

Attorney Docket No.: 5972.US.P6

Examiner: A. Harris

Group Art Unit: 1642

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Examiner A. Harris
Group Art Unit 1642
Commissioner for Patents

Fax No.: (703) 872-9306

Kimberly L. Iorio 2/25/05
Kimberly Iorio Date

REQUEST FOR RECONSIDERATION CONCERNING DOCUMENT
ENTITLED DETERMINATION OF PATENT TERM EXTENSION UNDER
35 U.S.C. 154(b)

Attn: Examiner A. Harris
Commissioner for Patents
Alexandria, Virginia 22313-1450

Sir:

Applicants' attorney received the Determination of Patent Term Extension dated February 8, 2005 and respectfully requests reconsideration of the decision that the patent term will not be extended by the United States Patent and Trademark Office.

In particular, an Appeal Brief was filed in connection with the above-referenced case on January 15, 2003. A Notice of Non-Compliance With 37 CFR 1.192(c) was then issued by the Patent Office, dated March 27, 2003, indicating that the Appeal Brief had not been filed in triplicate. A Response to the Notice of Non-Compliance was then filed on April 24, 2003, along with three copies of the Appeal Brief. On March 22, 2004 and on May 10, 2004 facsimiles were sent to the Examiner requesting information as to the status of the case. No response was received in connection with the status inquiries. Thus, Applicants' attorney's assistant left a message for Examiner Harris on August 30, 2004 requesting information as to the status of the case. On August 31, 2004, Examiner Harris returned the call to the assistant indicating that the case had not been added to her docket, and thus no action had been taken.


In view of the significant period of time that elapsed between the filing of the Appeal Brief, in triplicate (i.e., on April 24, 2003), and the August 31, 2004 telephonic response of the Examiner (i.e., over a year), despite the fact the application was filed prior

to the May 29, 2000 enactment date of the Patent Term Extension provisions, it is respectfully requested that the patent term of the allowed application be extended to account for the delay on the part of the Patent Office.

Should the Examiner have any questions concerning the above, she is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,
T.L. Colpitts, *et al.*

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